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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Docket No. 02-RO-441
Philippe GANIVET et al. : Group Art Unit: 2817
Serial No.: 10/666,540 : Examiner: Joseph Chang
Filed: September 19, 2003 :
Title: *TIME BASE CIRCUIT, OSCILLATOR BASED THEREON AND
COMMUNICATING APPARATUS USING SAID OSCILLATOR*

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence [Total 9 pages = Petition (2 pgs) + Exhibit A (2 pgs) + Exhibit B (3 pgs) + Exhibit C (1 pg) + Exhibit D (1 pg)] is being deposited with the United States Postal Service with sufficient postage as first class envelope addressed to:
Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Kathleen Schlosborn
Name

On

11/18/05
Date

Kathleen Schlosborn
Signature

PETITION UNDER 37 C.F.R. §1.181 (a) TO WITHDRAW
THE HOLDING OF ABANDONMENTVIA FACSIMILE (571) 273-8300

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.181 (a), the Applicants respectfully petition the Commissioner for withdrawal of the holding of Abandonment. The Notice of Abandonment, dated October 25, 2005 (see Exhibit A), states that the reason for Abandonment is "Applicant's Failure to Timely Pay the Required Issue Fee and Publication Fee..." because "The Submitted Fee of \$1400 is insufficient. A balance of \$300 is due."

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01-FC-1504 02-RO-441
02-FC-1504 300.00-DA
02-FC-1504 15.00-DA

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10/666,540

In review of our June Deposit Account Statement for Deposit Account No. **50-1556**, it appears that there were sufficient funds when our Deposit account was being charged for the issue fee (\$1,400) and publication fee (\$300) on June 21, 2005 (see Exhibit B). Note that our Issue Fee Transmittal (see Exhibit C) was timely filed (as evidenced by the stamped postcard receipt, see Exhibit D) and it authorized charging the issue fee and the publication fee to our Deposit Account No. **50-1556**. After charging our Deposit Account the \$1,400 for the issue fee, there remained a balance of \$2,136.00 available in our Deposit Account. Therefore, there were sufficient funds for the USPTO to charge the publication fee amount of \$300.00 to our Deposit Account. Applicants therefore respectfully request that the Commissioner correctly charge the publication fee amount of \$300.00 to our Deposit Account No. **50-1556**, and allow the present Patent Application No.: 10/666,540 to issue as a U.S. Patent.

Applicants believe that this petition is a non-fee petition. However, if it should be determined that a fee is required, please charge such fee to Deposit Account No. **50-1556**.

In the alternative, in the unlikely event that this petition is not granted, the Applicants respectfully request that this petition be considered a petition to revive an unintentionally abandoned patent application. Accordingly, please apply the payment of the required petition fee and publication fee, (the issue fee has already been paid), from the Deposit Account **50-1556** under 35 USC §41(a)(7) and MPEP 711.03(c) as an unintentionally abandoned patent application due to Applicants detrimental reliance on the USPTO's monthly deposit account statement indicating there were sufficient funds to pay the required issue fee and publication fee.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

Respectfully submitted,

Date: 11/18/2005

By: Jose Gutman

Jose Gutman (Reg. No. 35,171)
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